



EXHIBIT 2
DATE 2/12/09
HB 445

February 11, 2009

To: Montana State Legislature

RE: House Bill 445 - LC 2068

We are writing in favor of HB 445 – LC 2068. The food industry is not in support of any GMO variety grains. This includes wheat, barley, rye, triticale, oats, millet, buckwheat, flax, spelt, corn and soybeans. Our customers presently do not accept GMO grains and would have a severe impact on our business supplying flours, whole grains, cracked grains and mixes. This would also have impact on Montana Farmers as this would limit their ability to market to the US food industry.

We are also a certified organic plant handling organic grains. The present USDA NOP (National Organic Plan) does not allow for any GMO variety grains and could have severe impact on farmers and processors affected by pollen drift, seed mixing and inadvertent transfer.

We sincerely request your support in this bill.

Sincerely,


Greg Thayer
CEO

Mr. Chairman and members of the House Agriculture Committee.

For the record my name is Jim Barngrover. I'm here representing AERO the Alternative Energy Resources Organization and we support HB445 the Farmer Protection Bill.

AERO is a non-profit Montana based organization with 800 members of which about half are farmers or dependent on agriculture for their livelihood. Our members are very supportive of leveling the playing field and setting forth the protocol outlined in HB445 for protecting basic rights of farmers to privacy, property and engaging in free enterprise.

As we see it HB445 protects Montana farmers in three ways (1) Protects farmers from liability if they unknowingly acquire or possess patented seed or plants; (2) Establishes a mandatory crop sampling protocol to be used by patent holders when investigating farmers they believe may have violated plant patents or seed contracts; (3) Provides that the proper venue for legal action is the county where the injury is alleged to have occurred.

Though we have yet to see challenges on seed patents from the holder of said patent against a Montana farmer's or seed cleaning company's it is but a matter of time that such an occurrence will happen. We in Montana do not have adequate protection in place to alleviate frivolous and harassing intrusions of our agricultural producers.

-One patent seed company, Monsanto, reports that it pursues approximately 500 cases of suspected infringement annually

-Monsanto has set aside an annual budget of \$10 million dollars and a staff of 75 devoted solely to investigating and prosecuting farmers.

-USDA does not consider economic consequences in its regulatory decisions

-The USDA's own Inspector General states that "weaknesses in APHIS regulations and internal management controls increase the risk that regulated patented plant organisms will inadvertently persist in the environment.

-Lack of post-commercialization testing and monitoring. Volunteer patented plants have been found growing 10 years later on abandoned test plots.

-Unwanted contamination can occur from neighboring farms or open field trials by:

- wind mediated pollination
- carried by animals, birds, insects, vehicles etc.
- creeping roots
- errors in commerce
- cleanliness of transport, or handling
- even home composting of store bought fruit or vegetables

- Risks multiplied from cross contamination
- Genes from multiple patents (and companies) could be detected in the same sample

According to APHIS (USDA's Animal Plant Health Inspection Service) Montana has grown or is growing the following patented plants.

Permits for Montana

Field tests requested =175

Total number issued or acknowledged 1987 -to present = **153**

By Crop types for release in MT Alfalfa =11 records, Barley= 8 records, Camolina =2 records, Corn =2 records, Creeping Bentgrass= 5 records, Potato =36 records. Rapeseed = 9 records, Safflower = 3 records, Sugar beet = 1 record, Wheat = 80 records.

It is AERO's collective belief and objective to maintain farming as a family business. To do so we need to give our farmers the rights to protect themselves form mega corporations who have been shown little regard for their basic rights and livelihood.

We ask for your support by leveling the playing field for Montana farmers and seed cleaners by voting yea on HB445.

Thank you,

Jim Barngrover